

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of November, two thousand twelve.

PRESENT:

JOHN M. WALKER, JR.,
ROBERT A. KATZMANN,
PETER W. HALL,
Circuit Judges.

J.D. Carpenter,

Plaintiff-Appellant,

v.

11-2614

City of New York,

Defendant-Appellee.

FOR PLAINTIFF-APPELLANT:

J.D. Carpenter, *pro se*, Mount Pocono, PA.

FOR DEFENDANT-APPELLEE:

Larry Sonnenshein and Diana Lawless, New York
City Law Department, New York, NY.

Appeal from a judgment of the United States District Court for the Eastern District of
New York (Ross, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment is **AFFIRMED**.

Appellant J.D. Carpenter, proceeding *pro se*, appeals the district court's grant of summary judgment, dismissing her employment discrimination complaint. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

We review orders granting summary judgment *de novo* and focus on whether the district court properly concluded that there was no genuine issue as to any material fact and the moving party was entitled to judgment as a matter of law. *See Miller v. Wolpoff & Abramson, L.L.P.*, 321 F.3d 292, 300 (2d Cir. 2003). Summary judgment is appropriate "[w]here the record taken as a whole could not lead a rational trier of fact to find for the non-moving party." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986).

Applying these standards, we conclude that Ms. Carpenter's appeal is without merit for substantially the same reasons articulated by the district court in its well-reasoned order. *Carpenter v. City of New York*, No. 09-cv-4524 (E.D.N.Y. May 25, 2011). The judgment of the district court is therefore **AFFIRMED**.¹

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

¹ At oral argument, Ms. Carpenter indicated that she located evidence, not presented to the district court, that might rebut the presumptions and inferences that operated to establish to the district court's satisfaction that her suit was untimely. Nothing in this order prevents Ms. Carpenter from filing a motion in the district court to bring any such evidence to the court's attention. We express no opinion as to whether any such motion would be successful.